

# House File 430 - Reprinted

HOUSE FILE 430  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 10)

(As Amended and Passed by the House March 8, 2023)

## A BILL FOR

1 An Act relating to education, including requirements related to  
2 mandatory reporters, a process for investigating complaints  
3 against school employees, and the responsibilities of the  
4 department of education, school districts, charter schools,  
5 accredited nonpublic schools, and the board of educational  
6 examiners.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.69, subsection 1, unnumbered  
2 paragraph 1, Code 2023, is amended to read as follows:

3 The classes of persons enumerated in **this subsection** shall  
4 make a report within twenty-four hours and as provided in  
5 section 232.70, of cases of child abuse. In addition, the  
6 classes of persons enumerated in **this subsection** shall make a  
7 report of abuse of a child ~~who is under twelve years of age and~~  
8 ~~may make a report of abuse of a child who is twelve years of age~~  
9 ~~or older~~, which would be defined as child abuse under section  
10 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),  
11 except that the abuse resulted from the acts or omissions of  
12 a person other than a person responsible for the care of the  
13 child.

14 Sec. 2. Section 232.69, subsection 1, paragraph b,  
15 subparagraph (4), Code 2023, is amended to read as follows:

16 (4) A licensed school employee, certified para-educator,  
17 holder of a coaching authorization issued under **section 272.31**,  
18 school employee who is eighteen years of age or older, or an  
19 instructor employed by a community college.

20 Sec. 3. Section 232.70, subsection 5, Code 2023, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *Of.* If the person making the report is a  
23 licensed school employee who reasonably believes the person  
24 responsible for the injury is also a licensed school employee,  
25 the identity of the licensed school employee the person making  
26 the report believes is responsible for the injury.

27 Sec. 4. Section 256.9, Code 2023, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 66. *a.* Develop and implement a process  
30 for the reporting and investigation of any incident that arises  
31 that may reasonably lead to the conclusion that any individual  
32 who is employed by the board of directors of a school district,  
33 the authorities in charge of an accredited nonpublic school,  
34 or the governing board of a charter school, including an  
35 individual with a license, endorsement, certification,

1 authorization, or statement of recognition issued by the  
2 board of educational examiners, has committed a felony or,  
3 in the case of an individual with a license, endorsement,  
4 certification, authorization, or statement of recognition  
5 issued by the board of educational examiners, has engaged in  
6 conduct described in section 272.15, subsection 1, paragraph  
7 "a", subparagraph (1), subparagraph divisions (a) through (d).

8     *b.* The process shall prohibit the board of directors of a  
9 school district, the authorities in charge of an accredited  
10 nonpublic school, and the governing board of a charter school  
11 from entering into any of the following:

12     (1) A written or oral agreement that prohibits the board  
13 of directors of the school district, the authorities in charge  
14 of an accredited nonpublic school, the governing board of  
15 a charter school, an employee of the school district, the  
16 accredited nonpublic school, or the charter school, or a  
17 contractor of the school district, the accredited nonpublic  
18 school, or the charter school from discussing an incident, past  
19 performance or actions, past allegations leading to discipline  
20 or adverse employment action, or employee resignation with any  
21 governmental agent, governmental officer, or any potential  
22 employer.

23     (2) A written or oral agreement that waives the liability  
24 of an individual with a license, endorsement, certification,  
25 authorization, or statement of recognition issued by the  
26 board of educational examiners related to or arising from an  
27 incident, past performance or action, or past allegations of  
28 wrongdoing.

29     *c.* The process shall require the board of directors of a  
30 school district, the authorities in charge of an accredited  
31 nonpublic school, and the governing board of a charter school  
32 to finalize the investigation of the incident even if the  
33 employee resigns or the employee's contract is terminated  
34 during the investigation. The board of directors of a school  
35 district, the authorities in charge of an accredited nonpublic

1 school, or the governing board of a charter school, as  
 2 applicable, shall provide the board of educational examiners  
 3 with the results of the investigation if the employee who  
 4 was investigated has a license, endorsement, certification,  
 5 authorization, or statement of recognition issued by the board  
 6 of educational examiners.

7     *d.* The process shall require the board of directors of a  
 8 school district, the authorities in charge of an accredited  
 9 nonpublic school, and the governing board of a charter school  
 10 to take all of the following actions with respect to employees  
 11 who do not hold a license, endorsement, certification,  
 12 authorization, or statement of recognition issued by the board  
 13 of educational examiners:

14     (1) Collect and retain all complaints and reports related to  
 15 incidents reported under this subsection that are associated  
 16 with the employee and that relate to the health and safety of  
 17 students.

18     (2) Notify the school district, accredited nonpublic  
 19 school, or charter school that employs, or is seeking to  
 20 employ, the employee of the existence and nature of the  
 21 complaints and reports related to incidents reported under  
 22 this subsection that are associated with the employee and that  
 23 relate to the health and safety of students if contacted by  
 24 the school district, accredited nonpublic school, or charter  
 25 school. This subparagraph shall not be construed to require  
 26 the board of directors of a school district, the authorities  
 27 in charge of an accredited nonpublic school, or the governing  
 28 board of a charter school to disclose unfounded, closed  
 29 investigations.

30     *e.* The board of directors of a school district, the  
 31 authorities in charge of an accredited nonpublic school, or  
 32 the governing board of a charter school, and contractors of  
 33 the school district, the accredited nonpublic school, or the  
 34 charter school shall be immune from any civil liability arising  
 35 from discussing an incident, past performance or actions,

1 past allegations leading to discipline or adverse employment  
2 action, or employee resignation with any governmental agent,  
3 governmental officer, or any potential employer.

4 *f.* If the board of educational examiners finds that the  
5 board of directors of a school district, the authorities in  
6 charge of an accredited nonpublic school, or the governing  
7 board of a charter school has intentionally failed to follow  
8 the process established by this subsection regarding an  
9 incident, or the reporting requirements established pursuant  
10 to section 272.15, related to an employee who holds a license,  
11 endorsement, certification, authorization, or statement of  
12 recognition issued by the board of educational examiners, the  
13 board of educational examiners shall assess a fine against  
14 an administrator of the school district, the accredited  
15 nonpublic school, or the charter school who intentionally  
16 failed to ensure compliance with the process of not less than  
17 five hundred dollars and not more than five thousand dollars.  
18 Payments of the fine provided in this paragraph shall be  
19 remitted to the treasurer of the state for deposit in the  
20 general fund of the state.

21 *g.* If the department finds that the board of directors of  
22 a school district, the authorities in charge of an accredited  
23 nonpublic school, or the governing board of a charter school  
24 has intentionally failed to follow the process established by  
25 this subsection regarding an incident related to an employee  
26 who does not hold a license, endorsement, certification,  
27 authorization, or statement of recognition issued by the board  
28 of educational examiners, the department shall assess a fine  
29 against an administrator of the school district, the accredited  
30 nonpublic school, or the charter school who intentionally  
31 failed to ensure compliance with the process of not less than  
32 five hundred dollars and not more than five thousand dollars.  
33 Payments of the fine provided in this paragraph shall be  
34 remitted to the treasurer of the state for deposit in the  
35 general fund of the state.

1     *h.* If the board of educational examiners finds that the  
2 board of directors of a school district, the authorities in  
3 charge of an accredited nonpublic school, or the governing  
4 board of a charter school has intentionally concealed, or  
5 attempted to conceal from any governmental agent, governmental  
6 officer, or potential employer a founded incident, or any  
7 conduct required to be reported pursuant to section 272.15,  
8 related to an employee who holds a license, endorsement,  
9 certification, authorization, or statement of recognition  
10 issued by the board of educational examiners, the board  
11 of educational examiners shall assess a fine against an  
12 administrator of the school district, the accredited nonpublic  
13 school, or the charter school who intentionally assisted in the  
14 concealment, or attempted concealment, of an incident, or any  
15 conduct required to be reported pursuant to section 272.15,  
16 of not more than ten thousand dollars. Payments of the fine  
17 provided in this paragraph shall be remitted to the treasurer  
18 of the state for deposit in the general fund of the state.

19     *i.* If the department finds that the board of directors of  
20 a school district, the authorities in charge of an accredited  
21 nonpublic school, or the governing board of a charter school  
22 has intentionally concealed, or attempted to conceal from  
23 any governmental agent, governmental officer, or potential  
24 employer a founded incident related to an employee who does  
25 not hold a license, endorsement, certification, authorization,  
26 or statement of recognition issued by the board of educational  
27 examiners, the department shall assess a fine against an  
28 administrator of the school district, the accredited nonpublic  
29 school, or the charter school who intentionally assisted in the  
30 concealment, or attempted concealment, of an incident of not  
31 more than ten thousand dollars. Payments of the fine provided  
32 in this paragraph shall be remitted to the treasurer of the  
33 state for deposit in the general fund of the state.

34     Sec. 5. Section 256E.7, subsection 2, Code 2023, is amended  
35 by adding the following new paragraphs:

1     NEW PARAGRAPH. *0j.* Be subject to and comply with the  
 2 requirements of section 280.33 relating to the reporting and  
 3 investigation of an incident involving the possible commission  
 4 of a felony by any person who has been issued a license,  
 5 endorsement, certification, authorization, or statement of  
 6 recognition by the board of educational examiners in the same  
 7 manner as a school district.

8     NEW PARAGRAPH. *00j.* Be subject to and comply with the  
 9 requirements of section 280.34 relating to the requirement  
 10 to view the board of educational examiners' public license  
 11 information prior to hiring an individual who has been issued  
 12 a license, endorsement, certification, authorization, or  
 13 statement of recognition by the board of educational examiners  
 14 in the same manner as a school district.

15     Sec. 6. Section 272.2, subsection 14, paragraph b,  
 16 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended  
 17 to read as follows:

18     The person entered a plea of guilty to, ~~or~~ has been found  
 19 guilty of, or the board has found by a preponderance of the  
 20 evidence that the person committed, any of the following  
 21 offenses, whether or not a sentence is imposed:

22     Sec. 7. Section 272.2, subsection 15, Code 2023, is amended  
 23 to read as follows:

24     15. a. Adopt rules that require specificity in written  
 25 complaints that are filed by individuals who have personal  
 26 knowledge of an alleged violation and which are accepted by  
 27 the board, provide that the jurisdictional requirements as set  
 28 by the board in administrative rule are met on the face of the  
 29 complaint before initiating an investigation of allegations,  
 30 provide that any investigation be limited to the allegations  
 31 contained on the face of the complaint, provide for an adequate  
 32 interval between the receipt of a complaint and public notice  
 33 of the complaint, permit parties to a complaint to mutually  
 34 agree to a resolution of the complaint filed with the board,  
 35 allow the respondent the right to review any investigative

1 report upon a finding of probable cause for further action by  
2 the board, require that the conduct providing the basis for  
3 the complaint occurred within three years of discovery of the  
4 event by the complainant unless good cause can be shown for  
5 an extension of this limitation, ~~and~~ require complaints to be  
6 resolved within one hundred eighty days unless good cause can  
7 be shown for an extension of this limitation, and require the  
8 board to finalize the investigation of the written complaint  
9 even if the licensed practitioner resigns or surrenders the  
10 licensed practitioner's license, certificate, authorization, or  
11 statement of recognition during the investigation.

12 b. Adopt rules that require the collection and retention of  
13 written complaints that are filed. If the board determines a  
14 written complaint is not founded, the complaint and all records  
15 related to the complaint shall be kept confidential and are not  
16 subject to chapter 22.

17 c. Adopt rules that require the board to notify the public  
18 when a licensed practitioner who is the subject of an ongoing  
19 investigation initiated under paragraph "a" has a case pending  
20 with a finding of probable cause. This paragraph shall not be  
21 construed to require the board to disclose unfounded, closed  
22 investigations initiated under paragraph "a".

23 d. Adopt rules that require the evaluation of complaints  
24 that did not result in any discipline or sanction if similar  
25 complaints are filed against the same licensed practitioner.

26 e. Adopt rules that require the board to investigate an  
27 administrator who is employed by the school that employs a  
28 licensed practitioner who is the subject of an investigation  
29 initiated under paragraph "a". The rules shall require  
30 the board to investigate whether the administrator filed a  
31 written complaint pursuant to this subsection and whether the  
32 administrator was required to report to the board pursuant to  
33 section 272.15.

34 Sec. 8. Section 272.3, Code 2023, is amended by striking the  
35 section and inserting in lieu thereof the following:



1     **272.3 Membership.**

2     1. The board of educational examiners shall consist of  
3 eleven members, subject to the following requirements:

4     *a.* Five members shall be the parent or guardian of a student  
5 who is either currently enrolled or has been enrolled within  
6 the seven years immediately prior to the member's appointment  
7 in a school district, nonpublic school, or charter school  
8 located in this state and shall not currently hold any elective  
9 office, shall not be an employee or contractor of a school  
10 district, nonpublic school, or charter school, and shall not  
11 have been an employee or contractor of a school district,  
12 nonpublic school, or charter school within the ten years  
13 immediately prior to the member's appointment.

14     *b.* Five members shall be licensed practitioners. One of  
15 the members appointed pursuant to this paragraph shall be an  
16 administrator and one shall be a special education teacher.

17     *c.* One member shall be a member of the board of directors of  
18 a school district.

19     2. The membership of the board shall comply with the  
20 requirements of sections 69.16 and 69.16A. A quorum of the  
21 board shall consist of six members. Members shall elect a  
22 chairperson of the board. Members shall be appointed by the  
23 governor subject to confirmation by the senate.

24     Sec. 9. Section 272.4, subsection 1, Code 2023, is amended  
25 to read as follows:

26     1. ~~Members, except for the director of the department of~~  
27 ~~education or the director's designee, shall be appointed to~~  
28 ~~serve staggered terms of four years. A member shall not serve~~  
29 ~~more than two consecutive terms, except for the director of the~~  
30 ~~department of education or the director's designee, who shall~~  
31 ~~serve until the director's term of office expires. A member of~~  
32 ~~the board, except for the two public members and the director~~  
33 ~~of the department of education or the director's designee, who~~  
34 is a licensed practitioner appointed pursuant to section 272.3,  
35 subsection 1, paragraph "b", shall hold a valid practitioner's

1 license during the member's term of office. A vacancy exists  
2 when any of the following occur:

3 ~~a. A nonpublic member's license~~ The license of a licensed  
4 practitioner appointed pursuant to section 272.3, subsection 1,  
5 paragraph "b", expires, is suspended, or is revoked.

6 ~~b. A nonpublic member~~ licensed practitioner appointed  
7 pursuant to section 272.3, subsection 1, paragraph "b", retires  
8 or terminates employment as a practitioner.

9 ~~c. A member dies, resigns, is removed from office, or is~~  
10 ~~otherwise physically unable to perform the duties of office.~~

11 ~~d. A member's term of office expires.~~

12 **Sec. 10. NEW SECTION. 280.33 Incidents related to licensed**  
13 **practitioners — reporting and investigation.**

14 The board of directors of a school district and the  
15 authorities in charge of each accredited nonpublic school shall  
16 follow the process created by the department of education  
17 pursuant to section 256.9, subsection 66, related to the  
18 reporting and investigation of an incident involving the  
19 possible commission of a felony by any employee of the board of  
20 directors of the school district or the authorities in charge  
21 of the accredited nonpublic school.

22 **Sec. 11. NEW SECTION. 280.34 Requirement to view public**  
23 **license information.**

24 Prior to hiring an individual who has been issued a license,  
25 endorsement, certification, authorization, or statement of  
26 recognition by the board of educational examiners, a school  
27 district or an accredited nonpublic school, as applicable,  
28 shall view the board of educational examiners' public license  
29 information to determine if the individual has a case pending  
30 with a finding of probable cause or any licensure sanction.  
31 This section shall not be construed to require the board  
32 of educational examiners to disclose unfounded, closed  
33 investigations.

34 **Sec. 12. BOARD OF EDUCATIONAL EXAMINERS MEMBERSHIP —**  
35 **TRANSITION.**

1     1. The terms of office associated with the members of the  
2 board of educational examiners shall, as of the effective  
3 date of this Act, be deemed to have expired, notwithstanding  
4 the terms of office associated with the members under section  
5 272.3.

6     2. For the members of the board of educational examiners  
7 first appointed by the governor on or after the effective date  
8 of this Act, five shall serve an initial term of two years  
9 and six shall serve an initial term of four years. When the  
10 governor appoints such members, the governor shall indicate  
11 whether the appointee's term shall be for two years or for four  
12 years. For purposes of the limitation on consecutive terms a  
13 member may serve under section 272.4, subsection 1, a term of  
14 two years shall be considered a full term.